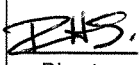



COUNCIL AGENDA/INFORMATION		
<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>Nov. 16, 09</u>	Item # <u>9</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

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DISTRICT OF WEST VANCOUVER  
750 – 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

## COUNCIL REPORT

Date: November 2, 2009 File: 1050-02-09-004  
From: Geri Boyle, Manager, Community Planning  
Subject: **Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009 - Evelyn Drive Development Area**

### RECOMMENDED THAT:

1. Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009 be adopted.

### Purpose

The purpose of this report is to advise Council that all conditions precedent to the adoption of Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009 have been completed and that the bylaw may be considered for adoption.

The above-noted bylaw closes all the internal roads and walkways in the Evelyn Drive Area. If adopted, the bylaw will take effect when it is filed at the Land Title Office; this will occur at the same time as the subdivision plan of subdivision creating new roads, walkways and lots is filed at the Land Title Office.

### 1.0 Background

#### 1.1 Prior Resolutions

September 14, 2009 – Council gave 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading to the subject bylaw

July 27, 2009 – Council instructed staff to publish the necessary statutory notices of Council's intention to close and remove the highway dedication of all of the roads in the Evelyn Drive Development Area and to prepare a highway closing bylaw for this purpose.

#### 1.2 History

In order to re-subdivide the Evelyn project lands, it is necessary to close some existing roads. In the process of preparing the necessary bylaws, the legal status and ownership of 9<sup>th</sup> Street in the Evelyn Drive Area came into question. This was resolved on July 3, 2009 when the Province approved the District of West Vancouver's application to become the owner of the 'road'. On July 31, 2009 the

portion of 9<sup>th</sup> Street in the Evelyn Drive Area was dedicated as highway and came under District ownership.

## **2.0 Analysis**

The *Community Charter* states that roads must be closed by bylaw and sets out the requirements for doing so. The requirements and detail on how each requirement has been met are as follows:

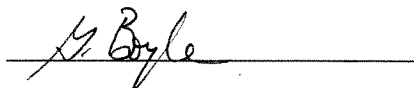
1. public notification must take place prior to bylaw adoption and in accordance with the *Community Charter*, section 26;  
*The required public notification was carried out by a notice placed in the North Shore News on Friday September 4, 2009 and Wednesday September 9, 2009.*
2. the public must be provided with an opportunity to make representations to Council on the proposed bylaw prior to Council adoption;  
*The public was invited to comment on the proposed bylaw when Council considered 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading of the bylaw on September 14, 2009.*
3. utilities whose transmission or distribution facilities may be affected by the closure must be notified [*Community Charter*, section 41];  
*Shaw, Telus, BC Hydro and Terasen Gas were sent written notice of the proposed bylaw on September 17, 2009, by e-mail with letter attached. No comments have been received.*
4. as the roads that are to be closed are within 800 metres of an arterial highway (Taylor Way), the closure must be approved by the minister of Transportation [*Community Charter*, section 41(3)].  
*The Ministry of Transportation approved the bylaw on September 25, 2009.*

## **3.0 Options**

Council may:

- (a) proceed with Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009 (recommended);
- (b) request further information (to be specified) prior to considering whether to proceed with the proposed bylaw, including information on the implications of not adopting the bylaw.

Author:





District of West Vancouver

**Road Closure and Removal of Highway  
Dedication  
Bylaw No. 4551, 2009**

Effective Date –

District of West Vancouver

## **Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009**

A bylaw to close up and remove the dedication of a highway

WHEREAS under the *Community Charter* a Council may close a highway to traffic, remove the dedication of a highway and dispose of municipal land;

WHEREAS the Council of the District of West Vancouver deems it expedient to provide for the closure of a municipal highway and to remove the dedication of that same portion of highway for the purpose of facilitating the redevelopment of the Evelyn Drive area in accordance with the Evelyn Drive Master Plan;

WHEREAS Council has posted and published notices of its intention to close the highway referred to in this bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to Council;

WHEREAS the Council has posted and published notices of its intention to dispose of the highway referred to in this Bylaw;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009.

### **Part 2 Substantive Provisions**

- 2.1 Attached to this bylaw as Schedule "A" and forming part of this bylaw is a copy of a survey plan of highway closure (the "Plan").
- 2.2 The portions of highway dedicated by Plan 7605 labelled as "Closed Road – Area 1" on the Plan and the portion of highway dedicated by Plan BCP41755 labelled as "Closed Road – Area 2" on the Plan are closed to all types of traffic (said portions of highway collectively referred to herein as the "Closed Road").

- 2.3 The dedication as a highway of the Closed Road is removed.
- 2.4 The Mayor and clerk are authorized to execute and deliver such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

## Schedules

### Schedule A – Reference Plan of Highway Closure

READ A FIRST TIME on September 14, 2009

READ A SECOND TIME on September 14, 2009

READ A THIRD TIME on September 14, 2009

APPROVED BY THE MINISTER RESPONSIBLE FOR THE *TRANSPORTATION ACT* on September 25, 2009.

ADOPTED by the Council on [Date].

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Mayor

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Municipal Clerk

